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**Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**

## Note verbale dated 6 July 2000 from the Permanent Mission of the United States of America to the United Nations addressed to the Secretariat of the Preparatory Committee

The Permanent Mission of the United States of America to the United Nations presents its compliments to the Secretariat of the first session of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and, on behalf of the Government of the United States, has the honour to transmit, as a document of the above-mentioned Preparatory Committee, in accordance with paragraph 9 of General Assembly resolution 54/54 V of 15 December 1999, the United States "Fact Sheet" on the United States Comprehensive Initiative on Small Arms and Illicit Trafficking (see annex).

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## Annex

### United States Comprehensive Initiative on Small Arms and Illicit Trafficking

The United States of America is taking a wide range of steps to address growing international concern about trafficking in small arms and light weapons. United States efforts are intended to promote regional security, peace and reconciliation in regions of conflict and to make the world safer by helping to shut down illicit arms markets that fuel the violence associated with terrorism and international organized crime.

As the Secretary of State, Madeleine Albright, told the United Nations in September 1999, "The international community must develop an integrated, comprehensive response — in countries of origin and countries of conflict, among buyers, sellers and brokers, and with Governments as well as international and non-governmental organizations." The United States contribution to this effort is summarized below.

**Organization of American States Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.** The United States was a leader in concluding in 1997 the "Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials", the first international agreement designed to prevent, combat, and eradicate illicit trafficking in firearms, ammunition and explosives. First proposed by Mexico and negotiated in just seven months, this agreement strengthens the ability of the nations of the Organization of American States to eradicate illicit arms trafficking, while protecting the legal trade in firearms. Key provisions include requiring an effective licensing or authorization system for the import, export, and in-transit movement of firearms, an obligation to mark firearms indelibly at the time of manufacture and import to help track the sources of illicit guns, and requiring States parties to criminalize the illicit manufacturing of and illicit trafficking in firearms.

**International Protocol to combat illicit manufacturing of and trafficking in firearms.** The United States is working towards completion of the United Nations "Protocol to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition" by the end of 2000. This protocol would build on and globalize the standards incorporated in the precedent-setting Convention of the Organization of American States. The protocol is currently under negotiation in the United Nations Commission on Crime Prevention and Criminal Justice at the United Nations Office at Vienna as part of the negotiations to conclude the Convention against Organized Transnational Crime.

**Arms brokering legislation.** The President signed legislation in 1996 amending the Arms Export Control Act to give the State Department greater authority to monitor and regulate the activities of arms brokers. Cornerstones of the brokering provisions are the requirements that brokers must register with the Department of State, must receive State Department authorization for their brokering activities and must submit annual reports describing such activities. The United States is one of the few countries to have instituted such legislation and we are working to promote adoption of similar laws by other nations and to incorporate such a provision into the protocol

being negotiated in Vienna. Law enforcement officials made the first seizure of munitions under the provisions of the new legislation in November 1999.

**Greater accountability.** The United States maintains the world's most open arms export procedures and is promoting greater openness in the practices of other nations. In 1996, the President signed legislation amending the Foreign Assistance Act of 1961 to require the annual publication of information about arms authorized for commercial export by the United States that fall below the previously existing reporting thresholds for United States arms transfers. The report includes detailed, country-by-country information on the numbers of firearms, ammunition, and other "small-ticket" defence items authorized by the United States for export, setting a world standard for transparency. The United States has presented this report as a possible model of transparency to the 33-nation Wassenaar Arrangement, which promotes restraint in the export of conventional arms. The United States also publishes reports on arms flows to regions of conflict in order to raise public awareness of the issue. Last July, for example, the State Department released *Arms and Conflict in Africa*. It is available at: *www.state.gov*.

**Careful scrutiny of export licences.** If arms export licence applications exceed the normal, reasonable domestic needs of a given importing country or show other abnormalities, the United States will audit and, if necessary, cut off exports to that country. On that basis, the United States has suspended exports to Paraguay since 1996. In addition, United States law prohibits arms and munitions exported from the United States to be re-transferred by the recipient without prior approval from the Government, audits are conducted if diversions or trans-shipments are suspected.

**Destroying excess weapons.** Helping other nations destroy seized or excess firearms can be an important element in securing a lasting peace in conflict regions. The United States has contributed experts and funds to destroy small arms, light weapons and ammunition in Liberia, Haiti and the former Yugoslavia. The United States recently agreed with 10 nations of south-east Europe on a programme to destroy illicit arms in the region. The United States is also working with the Euro-Atlantic Partnership Council to prevent illicit weapons shipments to the Balkans and central Africa, and to improve security of weapons holdings.

**Cracking down on financing of illicit arms.** Illicit markets in valuable commodities such as diamonds have helped finance arms flows, particularly to embargoed groups and nations. The United States and other concerned countries are identifying ways to track and intercept illicit trafficking in precious gemstones used in financing conflicts in Africa. One possibility is legislation that would require each diamond to be sold with a certificate of origin guaranteeing its legality. Such an initiative would require continued close cooperation with the diamond industry, whose participation is essential for any dependably effective regime.

**Embargo enforcement.** The United States carefully observes sanctions and embargoes established by the United Nations. United States laws permit the prosecution of those who violate embargoes. We urge others also to criminalize such violations. We recommend that Governments find ways to exchange information on violations to truly globalize embargo enforcement. In addition, the United States does not authorize commercial or government-to-government weapons transfers to conflict areas such as the Democratic Republic of the Congo, Ethiopia, Eritrea and Angola, whose Governments are not subject to United Nations embargoes. We encourage other Governments to announce and observe such voluntary moratoria.

**Vigilance at the borders.** The Administration has made the prevention of illicit arms trafficking across our borders a high priority. The Bureau of Alcohol, Tobacco, and Firearms and the United States Customs Service have intensified their interdiction and investigative efforts. The Attorney General has directed United States attorneys along the south-west border to make a dedicated effort to prosecute traffickers, large and small, caught attempting to smuggle firearms.

**Africa focus.** Arms transfers and trafficking and the conflicts they feed are having a devastating impact on sub-Saharan Africa. Some of the programmes we are pursuing, include:

- **Africa baseline survey.** Support to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders to survey the small arms legislation, regulations, and law enforcement capacities of African countries to provide a benchmark for future work.

- **The West African small arms moratorium.** Technical assistance for the 1998 Economic Community of West African States (ECOWAS) moratorium on the import, export and manufacturing of small arms in West Africa. We are also seeking congressional approval to release modest funding for the moratorium, which was included in the Foreign Authorizations Act for fiscal 1999.

**International diplomacy.** The United States is working with many nations and international organizations on the problem of illicit small arms.

- **United States-European Union.** At their December 1999 summit in Washington, D. C., the United States and the European Union released a statement of "Common Principles on Small Arms and Light Weapons", in which they pledged to observe the "highest standards of restraint" in their small arms export policies, and took further steps to harmonize their export practices and policies. They approved a 10-point action plan and established a formal working group through which they will continue their activities.

- **United Nations.** The United States was an active participant and strong supporter of the recommendations of the 1997 report of the United Nations Panel of Governmental Experts on Small Arms. The United States will also take active part in preparations for the international conference in 2001 on the "illicit arms trade in all its aspects".

- **Norway.** The United States has worked closely with a group of like-minded nations led by Norway that is helping to set the international agenda for addressing the problem of small arms proliferation. The statement released by the 18 countries attending the last such conference in Oslo in December 1999 focused special attention on the importance of regulating the activities of arms brokers. President Clinton and Norwegian Prime Minister Bondevik also announced a bilateral task force on small arms and light weapons, focusing on efforts to destroy surplus small arms in conflict zones.